

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA upon
the relation and for the use of the
TENNESSEE VALLEY AUTHORITY

PLAINTIFF

v.

NO. 1:07CV133-M-D

TREE-CUTTING RIGHTS WITH RESPECT
TO A PREEXISTING EASEMENT AND
RIGHT-OF-WAY OVER LAND IN CLAY
COUNTY, MISSISSIPPI, IN THE EVENT
PLAINTIFF DOES NOT OWN SAID
RIGHTS BY A RECORDED GRANT, and
FRED D. DAVIS

DEFENDANTS

ORDER OF IMMEDIATE POSSESSION

Pursuant to 40 U.S.C. §§ 3114-3118 (Supp. IV 2004) (formerly codified at 40 U.S.C. §§ 258a-258e-1), which authorizes the Court “to give the Government immediate possession of the [condemned] property” (*United States v. Miller*, 317 U.S. 369, 381 (1943); *accord United States ex rel. TVA v. An Easement and Right-of-Way, Etc.*, 235 F. Supp. 376, 378 (N.D. Miss. 1964)), it is hereby Ordered that the Tennessee Valley Authority, as agent of the United States of America, be put into immediate possession of the property described in the Declaration of Taking filed in this action to the extent necessary to permit the Tennessee Valley Authority to carry on any of its operations described in the pleadings filed herein, and that the Defendant in such action surrender possession of the said property to the Tennessee Valley Authority accordingly.

This the 5th day of July, 2007.

/s/ Michael P. Mills
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI